

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

**CIVIL CONFERENCE
MINUTE ORDER**

BEFORE: A. KATHLEEN TOMLINSON
U.S. MAGISTRATE JUDGE

DATE: 7-10-2020
TIME: 10:04 a.m. (17 mins)

Caccavale, et al. v. Hewlett-Packard Company, et al.
CV 20-974 (GRB) (AKT)

TYPE OF CONFERENCE: **DISCOVERY CONFERENCE (by telephone)**

APPEARANCES: Plaintiffs: Steven John Moser
Paul Andrew Pagano

Defendants: Jeffrey Howard Ruzal (Unisys Corporation)
Kenneth Welch DiGia

Ilana Sarah Levin (Hewlett-Packard Co., Hewlett Packard
Kristofor Henning Enterprise Co.)

FTR through AT&T teleconference line: 10:04-10:21

THE FOLLOWING RULINGS WERE MADE:

1. The parties reported today that their mediation was unsuccessful. Prior to the mediation, Judge Brown had denied the defendants' motion to dismiss, without prejudice and with the right to address if the mediation was not fruitful.

In addressing this issue with counsel today, I was advised that the parties have had a conversation concerning plaintiffs' desire to amend the complaint to apparently add a new cause of action under the FLSA. Plaintiffs' counsel has provided a proposed amended complaint to the defendants for their review. Defendants have agreed to speak with their clients and inform plaintiff's counsel by next Tuesday whether they are able to consent to the filing of the amended complaint without motion practice.

In the event the parties cannot resolve this issue on consent, the Court set the following briefing schedule for what will be plaintiffs' motion to amend:

- Plaintiffs' opening papers and memorandum of law must be served and filed by January 6, 2020;
 - Defendants' opposition papers and memorandum of law must be served and filed by January 28, 2020;
 - Plaintiffs' reply papers, if any, must be served and filed by February 10, 2020.
2. In the event that the defendants consent to the filing of the amended complaint, they have indicated that they may still move to dismiss. In such circumstances, counsels' letter request(s) to Judge Brown for a pre-motion conference must be filed on ECF by December 23, 2020.

3. The balance of defendants' document production must be served by December 23, 2020.
4. In light of the foregoing circumstances, further discovery is held in abeyance until the above issues are resolved.

SO ORDERED

/s/ A. Kathleen Tomlinson
A. KATHLEEN TOMLINSON
U.S. Magistrate Judge